

***UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS***

USDC Docket Number : 05-cr-40006-FDS

UNITED STATES OF AMERICA

v.

HERIBERTO RODRIGUEZ

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1,2,4-55

are copies and can be destroyed after the appeal is complete. and contained in Volume(s) 1&2 are the filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/21/07

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 9/24/07

Sarah A Thornton, Clerk of Court

/s/ Sherry Jones

By: Sherry Jones
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-40006-FDS All Defendants**

Case title: USA v. Rodriguez

Date Filed: 02/02/2005

Date Terminated: 09/20/2007

Assigned to: Judge F. Dennis Saylor, IV

Defendant

Heriberto Rodriguez (1)
TERMINATED: 09/20/2007

represented by **Catherine K. Byrne**
Federal Defender's Office
District of Massachusetts
408 Atlantic Ave.
Third Floor
Suite 328
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617-223-8061
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Email: catherine_byrne@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Walter H. Underhill
Law Office of Walter H. Underhill
66 Long Wharf
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Boston, MA 02110
617-523-5858
Fax: 617-523-7834
Email: punderhill@comcast.net
TERMINATED: 09/23/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:922(g)(1) Felon in Possession of a
Firearm
(1)

Disposition

The defendant is hereby committed to
the custody of the U.S Bureau of
Prisons to be imprisoned for a term of

180 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant is hereby order to pay to the United States a special assessment of \$100.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Paul G. Casey**
U.S. Attorneys Office
Donohue Federal Building
595 Main Street
Suite #206
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED












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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/02/2005	<u>1</u>	INDICTMENT as to Heriberto Rodriguez (1) count(s) 1. (Shattuck, Deborah) (Entered: 02/02/2005)
02/02/2005		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER REFERRING CASE to Chief Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Heriberto Rodriguez (Shattuck, Deborah) (Entered: 02/02/2005)
03/22/2005	<u>2</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Heriberto Rodriguez for 3/25/2005. (Roland, Lisa) (Entered: 03/23/2005)
03/23/2005		NOTICE OF HEARING as to Heriberto Rodriguez; Arraignment set for 3/25/2005 03:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. Initial Appearance set for 3/25/2005 03:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 03/23/2005)
03/25/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Heriberto Rodriguez (1) Count 1 held on 3/25/2005, Initial Appearance as to Heriberto Rodriguez held on 3/25/2005, Case called, Counsel (Hodgens, Underhill), PTS Cuaseut & Dft appear, Dft informed of rights, charges & maximum penalties, Financial Affidavit filed, Not Guilty Plea entered by Heriberto Rodriguez (1) on Count 1, Scheduling order issued, Government moves to detain, Case continued to 3/30/2005 @ 2:45 for a Detention Hearing, Dft remanded to the custody of the US Marshals. (4:14 P.) (Roland, Lisa) (Entered: 03/25/2005)
03/25/2005	<u>4</u>	Judge Charles B. Swartwood : CJA 20 as to Heriberto Rodriguez: Appointment of Attorney Walter H. Underhill for Heriberto Rodriguez. (Roland, Lisa) (Entered: 03/29/2005)
03/25/2005	<u>5</u>	NOTICE OF HEARING as to Heriberto Rodriguez; Status Conference set for 5/6/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 03/29/2005)
03/25/2005	<u>6</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez; Time exeluded from March 25, 2005 until April 8, 2005, cc/cl. (Roland, Lisa) (Entered: 03/29/2005)
03/25/2005	<u>7</u>	Judge Charles B. Swartwood : SCHEDULING ORDER as to Heriberto Rodriguez. cc/cl. (Roland, Lisa) (Entered: 03/29/2005)
03/30/2005		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Heriberto Rodriguez held on 3/30/2005. Case called, Counsel (Casey, Underhill). PTS Cuascut & Dft appear, Defendat assents to an order of detention but reserves his right to a hearing in the future, Dft remanded to the custody of the US Marshals. (11:20 A.) (Roland, Lisa) (Entered: 03/30/2005)

03/30/2005	<u>9</u>	Judge Charles B. Swartwood : ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION as to Heriberto Rodriguez, cc/cl. (Roland, Lisa) (Entered: 04/04/2005)
04/18/2005	<u>9</u>	Arrest Warrant Returned. Executed on 3/30/05 as to Heriberto Rodriguez. (Hassett, Kathy) (Entered: 04/18/2005)
05/06/2005	<u>9</u>	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Heriberto Rodriguez held on 5/6/2005. Case called, Counsel (Casey, Underhill-by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (12:05 P.) (Roland, Lisa) (Entered: 05/06/2005)
05/06/2005	<u>10</u>	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez; Status Conference set for 6/23/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 05/06/2005)
05/06/2005	<u>11</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez; Time excluded from April 8, 2005 until June 23, 2005, cc/cl. (Roland, Lisa) (Entered: 05/06/2005)
06/23/2005	<u>9</u>	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Heriberto Rodriguez held on 6/23/2005. Case called, Counsel (Casey, Underhill-by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (12:13 P.) (Roland, Lisa) (Entered: 06/23/2005)
06/24/2005	<u>12</u>	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez Status Conference set for 7/15/2005 09:00 AM IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
06/24/2005	<u>13</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez; Time excluded from June 23, 2005 until July 15, 2005, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
07/13/2005	<u>14</u>	MOTION ORDER FOR PRE PLEA SENTENCE REPORT as to Heriberto Rodriguez. (Underhill, Walter) (Entered: 07/13/2005)
07/13/2005	<u>15</u>	MOTION to Continue <i>STATUS CONFERENCE</i> as to Heriberto Rodriguezby USA. (Underhill, Walter) (Entered: 07/13/2005)
07/15/2005	<u>9</u>	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>15</u> Motion to Continue as to Heriberto Rodriguez (1). "ALLOWED. New status conference set for 7/29/2005 @ 9:45 am. All time excluded, cc/cl. (Roland, Lisa) (Entered: 07/15/2005)
07/15/2005	<u>9</u>	Reset Hearings as to Heriberto Rodriguez: Status Conference set for 7/29/2005 09:45 AM, IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood. (Counsel may appear by telephone) (Roland, Lisa) (Entered: 07/15/2005)

07/29/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Heriberto Rodriguez held on 7/29/2005. Case called, Counsel (Casey, Underhill) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (10:12 A.) (Roland, Lisa) (Entered: 07/29/2005)
08/01/2005	●16	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez; Status Conference set for 8/29/2005 02:45 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. cc/cl. (Roland, Lisa) (Entered: 08/03/2005)
08/01/2005	●17	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez; Time excluded from July 15, 2005 until August 29, 2005, cc/cl. (Roland, Lisa) (Entered: 08/03/2005)
08/04/2005	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting in part and denying in part 14 Motion for pre-plea PSR as to Heriberto Rodriguez (1). The Probation Department is ordered to prepare and disclose to the parties a criminal history of the defendant, in the same form ordinarily used in connection with a Pre-Sentence report. The motion is otherwise denied. (Castles, Martin) (Entered: 08/04/2005)
08/17/2005	●18	Judge F. Dennis Saylor IV: ORDER entered as to Heriberto Rodriguez (Hassett, Kathy) (Entered: 08/22/2005)
08/17/2005	●19	Judge F. Dennis Saylor IV: ORDER entered as to Heriberto Rodriguez. (Hassett, Kathy) (Entered: 08/22/2005)
08/17/2005	●20	Judge F. Dennis Saylor IV: ORDER entered as to Heriberto Rodriguez. (Hassett, Kathy) (Entered: 08/22/2005)
08/26/2005	●21	Letter (non-motion) regarding Ineffective Counsel as to Heriberto Rodriguez (Hassett, Kathy) (Entered: 08/26/2005)
08/28/2005	●22	MOTION to Withdraw as Attorney by Walter H. Underhill. as to Heriberto Rodriguez. (Underhill, Walter) (Entered: 08/28/2005)
08/29/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Heriberto Rodriguez held on 8/29/2005. Case called, Counsel (Casey, Underhill-by telephone) appear. The Court addresses motion to withdraw as counsel and continues case to 8/31/2005 to have Defendant present. (Digital Recorder 2:23 P.) (Roland, Lisa) (Entered: 09/02/2005)
08/31/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Motion Hearing as to Heriberto Rodriguez held on 8/31/2005 re 22 MOTION to Withdraw as Attorney by Walter H. Underhill. Case called, Counsel (Casey, Underhill) & Defendant appear, AUSA Casey dismissed from the hearing, Motion ALLOWED, Successor Counsel to be appointed, Status conference continued until appointment of counsel. Defendant remanded to the custody of the US Marshals. (Digital Recorder 5:03 P.) (Roland, Lisa) (Entered: 09/08/2005)

08/31/2005	20	Judge Charles B. Swartwood : Electronic ORDER entered as to Heriberto Rodriguez re <u>21</u> Letter. "Since I allowed counsel's motion to withdraw and treating this letter as a motion, it is DENIED as MOOT." cc/cl (Roland, Lisa) (Entered: 09/09/2005)
08/31/2005	21	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>22</u> Motion to Withdraw as Attorney as to Heriberto Rodriguez (1). "After hearing, ALLOWED." cc/cl (Roland, Lisa) (Entered: 09/23/2005)
09/14/2005	23	Judge Charles B. Swartwood : ORDER entered. STATUS REPORT as to Heriberto Rodriguez Status Conference set for 9/29/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	24	Judge Charles B. Swartwood : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez Time excluded from 8/29/05 until 9/29/05. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/21/2005	25	Letter (non-motion) regarding appointment of counsel as to Heriberto Rodriguez. (Jones, Sherry) (Entered: 09/21/2005)
09/22/2005	26	Judge Charles B. Swartwood : ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Heriberto Rodriguez; Catherine K. Byrne for Heriberto Rodriguez appointed, cc/cl. (Roland, Lisa) (Entered: 09/23/2005)
09/23/2005	27	Attorney update in case as to Heriberto Rodriguez. Attorney Walter H. Underhill terminated. (Roland, Lisa) (Entered: 09/23/2005)
09/29/2005	28	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Status Conference as to Heriberto Rodriguez held on 9/29/2005. Case called, Counsel (Casey, Byrne-by telephone) appear, Counsel request additional time. Oral motion to exclude time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:37 P.) (Roland, Lisa) (Entered: 09/29/2005)
09/29/2005	29	Oral MOTION for Excludable Delay as to Heriberto Rodriguez by USA. (Roland, Lisa) (Entered: 10/04/2005)
10/03/2005	30	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez; Status Conference set for 11/16/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 10/06/2005)
10/03/2005	31	Judge Charles B. Swartwood : Order of Excludable Delay as to Heriberto Rodriguez (1). Time excluded from September 29, 2005 through November 16, 2005, cc/cl. (Roland, Lisa) (Entered: 10/06/2005)
10/31/2005	32	Letter (non-motion) regarding discovery as to Heriberto Rodriguez (Hassett, Kathy) (Entered: 10/31/2005)
11/16/2005	33	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Status Conference as to Heriberto Rodriguez held on

		11/16/2005. Case called, Counsel (Casey, Byrne-by telephone) appear, Counsel request additional time, Oral Motion to Exclude Time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:29 P.) (Roland, Lisa) (Entered: 11/18/2005)
11/16/2005		Oral MOTION for Excludable Delay as to Heriberto Rodriguezby USA. (Roland, Lisa) (Entered: 11/18/2005)
11/18/2005	 <u>30</u>	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez; Status Conference set for 12/13/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/18/2005)
11/18/2005	 <u>31</u>	Judge Charles B. Swartwood : Order of Excludable Time as to Heriberto Rodriguez (1). Time excluded from November 16, 2005 through December 13, 2005, cc/cl. (Roland, Lisa) (Entered: 11/18/2005)
12/13/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Heriberto Rodriguez held on 12/13/2005. Case called, Counsel (Casey, Byrne-by telephone) appear, Counsel request additional time, Oral Motion to Exclude Time, Case continued, Status Report and Order on Excludable Delay to issue. (Digital Recording 2:27 p.) (Roland, Lisa) (Entered: 12/22/2005)
12/13/2005		Oral MOTION for Excludable Delay as to Heriberto Rodriguezby USA. (Roland, Lisa) (Entered: 12/22/2005)
12/19/2005	 <u>32</u>	Judge Charles B. Swartwood : STATUS REPORT as to Heriberto Rodriguez; Status Conference set for 1/30/2006 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 12/28/2005)
12/19/2005	 <u>33</u>	Judge Charles B. Swartwood : ORDER of Excludable Time as to Heriberto Rodriguez (1). Time excluded from December 13, 2005 through January 26, 2006, cc/cl. (Roland, Lisa) (Entered: 12/28/2005)
01/20/2006	 <u>34</u>	MOTION for Discovery as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 01/20/2006)
01/27/2006	 <u>35</u>	RESPONSE to Motion by USA as to Heriberto Rodriguez re <u>34</u> MOTION for Discovery (Casey, Paul) (Entered: 01/27/2006)
02/07/2006	 <u>36</u>	MOTION to Continue <i>and to Exclude Time</i> as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 02/07/2006)
02/13/2006		Judge Timothy S. Hillman : Electronic ORDER entered granting <u>36</u> Motion to Continue as to Heriberto Rodriguez (1). "ALLOWED. Continued to 2/27/2006 @ 10:00 am for Motion Hearing and Status Conference." Status Conference set for 2/27/2006 10:00 AM in Courtroom 1 before Magistrate Judge Timothy S. Hillman. cc/cl (Roland, Lisa) (Entered: 02/13/2006)

02/13/2006	●	Reset Hearing re <u>34</u> MOTION for Discovery. Motion Hearing set for 2/27/2006 10:00 AM in Courtroom 1 before Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 02/14/2006)
02/21/2006	● <u>37</u>	Case as to Heriberto Rodriguez assigned to Judge Timothy S. Hillman. Judge Charles B. Swartwood no longer assigned to the case. (Hassett, Kathy) Additional attachment(s) added on 3/3/2006 (Hassett, Kathy). (Entered: 02/21/2006)
02/27/2006	●	ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Motion Hearing as to Heriberto Rodriguez held on 2/27/2006 re <u>34</u> MOTION for Discovery filed by Heriberto Rodriguez, Case called, Counsel (Casey, Byrne) & Defendant appear. Counsel argue motion, Defense to file Memorandum by March 13, Response due by April 3. Defendant remanded to the custody of the US Marshals. (Digital Recording 9:45 am.) (Roland, Lisa) (Entered: 02/27/2006)
02/27/2006	●	ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Heriberto Rodriguez held on 2/27/2006. Case called, Counsel (Casey, Byrne) & Defendant appear, Counsle request additional time, Oral Motion to exclude time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 9:45 am.) (Roland, Lisa) (Entered: 02/27/2006)
02/27/2006	●	Oral MOTION for Excludable Delay as to Heriberto Rodriguezby USA. (Roland, Lisa) (Entered: 02/27/2006)
02/28/2006	● <u>38</u>	Judge Timothy S. Hillman : STATUS REPORT as to Heriberto Rodriguez; Status Conference sei for 4/11/2006 03:00 PM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 02/28/2006)
02/28/2006	● <u>39</u>	Judge Timothy S. Hillman : ORDER of Excludable Time as to Heriberto Rodriguez (1). Time Excluded from January 26, 2006 through April 11, 2006, cc/cl. (Roland, Lisa) (Entered: 02/28/2006)
04/11/2006	●	ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Heriberto Rodriguez held on 4/11/2006. Case called, Counsel (Casey, Byrne-by telephone) appear, Counsel request that case be sent back to the District Judge, Final Status Report to issue. (Digital Recording 3:03 p.) (Roland, Lisa) (Entered: 04/11/2006)
04/12/2006	● <u>40</u>	Judge Timothy S. Hillman : FINAL STATUS REPORT as to Heriberto Rodriguez, cc/cl. (Roland, Lisa) (Entered: 04/28/2006)
04/28/2006	●	Case as to Heriberto Rodriguez no longer referred to Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 04/28/2006)
05/03/2006	●	Judge F. Dennis Saylor IV: Electronic ORDER entered withdrawing <u>34</u> Motion for Discovery as to Heriberto Rodriguez (1). (Castles, Martin) (Entered: 05/03/2006)

05/04/2006	3	ELECTRONIC NOTICE OF HEARING as to Heriberto Rodriguez: Status Conference set for Thursday 5/18/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/04/2006)
05/12/2006	2	ELECTRONIC NOTICE OF RESCHEDULING HEARING as to Heriberto Rodriguez: Status Conference reset for Monday 5/22/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/12/2006)
05/19/2006	3	ELECTRONIC NOTICE OF HEARING as to Heriberto Rodriguez. Status Conference reset for Friday 5/26/2006 at 10:30AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/19/2006)
05/26/2006	2	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Heriberto Rodriguez held on 5/26/2006. Case called. Counsel appear for status conference, Case is ready to be set for trial, Court sets trial date, pretrial conference date, and all pretrial filing dates as follows: Jury Trial set for Monday 10/16/2006 at 9:00PM in Courtroom 2 before Judge F. Dennis Saylor IV; Pretrial Conference set for Wednesday 10/11/2006 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV; In limine motions due 10/3/06, Responses due by 12:00PM on 10/10/06. Proposed voir dire questions, Proposed jury instructions, Proposed verdict form, Witness/exhibit lists, and any trial briefs due by 10/3/06; Dft's motion to have a juror questionnaire is to be filed by 9/11/06, Govt's response due 9/25/06. Court excludes time between 5/26/06 and 10/11/06 in the interest of justice under the Speedy Trial Act.. Order to issue.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 05/26/2006)
09/11/2006	41	MOTION to Continue <i>Trial Date and to Exclude Time</i> as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 09/11/2006)
09/13/2006	2	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>41</u> Motion to Continue as to Heriberto Rodriguez (1). This matter is set for a status conference on 11/15/06 at 2:00PM. Order of excludable time to follow. Status Conference set for 11/15/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) Modified on 9/26/2006 (Shattuck, Deborah). (Entered: 09/13/2006)
09/13/2006	2	Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER CANCELLING DEADLINE as to Heriberto Rodriguez. The pretrial conference set for 10/11/06 and the trial date of 10/16/06 are hereby cancelled due to the Court granting the motion to continue the trial <u>41</u> on this date. (Castles, Martin) (Entered: 09/13/2006)
09/15/2006	42	Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez. (Castles, Martin) (Entered: 09/15/2006)
11/15/2006	3	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Heriberto Rodriguez held on

		11/15/2006, Case called, Counsel appear for status conference, Dft requests a continuance, Court grants request and sets a further status conference: Status Conference set for Friday 1/5/2007 at 2:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Court orders the time excluded between 11/15/06 and 1/5/07 under the speedy trial act. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) Modified on 11/15/2006 (Castles, Martin). (Entered: 11/15/2006)
11/21/2006	<u>43</u>	Judge Timothy S. Hillman : ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez; Time excluded from April 11, 2006 until May 26, 2006. cc/cl. (Roland, Lisa) (Entered: 11/21/2006)
11/22/2006	<u>44</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez Time excluded from 5/26/06 until 10/11/06. Time excluded from 10/16/06 until 11/15/06. Time excluded from 11/15/06 until 1/5/07. (Castles, Martin) (Entered: 11/22/2006)
01/05/2007	<u>45</u>	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Heriberto Rodriguez held on 1/5/2007, Case called, Counsel appear for status conference, Parties request a further continuance, Court grants request and sets further status conference, Status Conference set for Friday 2/9/2007 at 1:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Court orders time excluded between 1/5/07 and 2/9/07 under the speedy trial, Order to issue.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 01/05/2007)
01/05/2007	<u>45</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez Time excluded from 1/5/07 until 2/9/07. (Castles, Martin) (Entered: 01/05/2007)
02/06/2007	<u>46</u>	MOTION to Continue <i>Status Date And To Exclude Time</i> as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 02/06/2007)
02/07/2007	<u>46</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>46</u> Motion to Continue as to Heriberto Rodriguez (1). Status Conference reset for Friday 3/9/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Order of excludable time to follow. (Castles, Martin) (Entered: 02/07/2007)
02/12/2007	<u>47</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez Time excluded from 2/9/07 until 3/9/07. (Castles, Martin) (Entered: 02/12/2007)
03/09/2007	<u>47</u>	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Case called, counsel (Bator & Byrne) appear for status. Attorney Byrne request a change of plea hearing, court grants request. Time to be excluded, order to issue.Status Conference as to Heriberto Rodriguez held on 3/9/2007 Change of Plea Hearing set for 4/25/2007 03:15 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter Marianne Kusa-Ryll.) (Jones, Sherry) (Entered: 03/09/2007)

03/09/2007	●	ELECTRONIC NOTICE OF HEARING as to Heriberto Rodriguez Change of Plea Hearing set for 4/25/2007 03:15 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Jones, Sherry) (Entered: 03/09/2007)
03/09/2007	●48	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Heriberto Rodriguez Time excluded from 3/9/07 until 4/25/07. (Jones, Sherry) (Entered: 03/09/2007)
03/29/2007	●49	NOTICE OF ATTORNEY APPEARANCE Christopher F. Bator appearing for USA. (Bator, Christopher) (Entered: 03/29/2007)
04/25/2007	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Heriberto Rodriguez held on 4/25/2007, Case called, Counsel and dft appear for Rule 11 Hearing, Dft changes plea of not-guilty and enters a plea of GUILTY to count 1, Plea entered by Heriberto Rodriguez (1) Guilty Count 1. Sentencing set for Monday 7/9/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Procedural order re: sentencing to issue, Dft remanded to the custody of the U.S. Marshal.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 04/25/2007)
04/25/2007	●50	Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Heriberto Rodriguez Sentencing set for 7/9/2007 02:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 04/25/2007)
06/08/2007	●51	Assented to MOTION for Extension of Time to File <i>Objections to PSR and to Continue Sentencing</i> as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 06/08/2007)
06/13/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>51</u> Motion for Extension of Time as to Heriberto Rodriguez (1). (Castles, Martin) (Entered: 06/13/2007)
06/13/2007	●	Reset Hearings as to Heriberto Rodriguez: Sentencing reset for Wednesday 8/29/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/13/2007)
07/26/2007	●52	Second MOTION to Continue as to Heriberto Rodriguez. (Byrne, Catherine) (Entered: 07/26/2007)
07/27/2007	●	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>52</u> Motion to Continue as to Heriberto Rodriguez (1). Sentencing reset for Wednesday 9/12/2007 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 07/27/2007)
08/31/2007	●	ELECTRONIC NOTICE OF RESCHEDULING as to Heriberto Rodriguez: Sentencing reset for Friday 9/14/2007 at 11:30AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 08/31/2007)

09/11/2007	<u>53</u>	SENTENCING MEMORANDUM by Heriberto Rodriguez (Byrne, Catherine) (Entered: 09/11/2007)
09/14/2007		Electronic Clerk Notes for proceedings held before Judge F. Dennis Saylor IV: Sentencing held on 9/14/2007 for Heriberto Rodriguez (1), Count(s) 1. Case called. Counsel and dft appear for disposition, The Court sentences the dft as follows: The defendant is hereby committed to the custody of the U.S Bureau of Prisons to be imprisoned for a term of 180 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant is hereby order to pay to the United States a special assessment of \$100.00. The dft is remanded to the custody of the U.S. Marshal. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 09/14/2007)
09/20/2007	<u>54</u>	Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT as to Heriberto Rodriguez (1), Count(s) 1, The defendant is hereby committed to the custody of the U.S Bureau of Prisons to be imprisoned for a term of 180 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant is hereby order to pay to the United States a special assessment of \$100.00. (Castles, Martin) (Entered: 09/20/2007)
09/20/2007		Case Terminated as to Heriberto Rodriguez (Castles, Martin) (Entered: 09/20/2007)
09/21/2007	<u>55</u>	NOTICE OF APPEAL by Heriberto Rodriguez NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/11/2007. (Byrne, Catherine) (Entered: 09/21/2007)

I hereby certify on 9/25/07 that the foregoing document is true and correct copy of the

- ☒ electronic docket in the captioned case
☐ electronically filed original filed on _____
☐ original filed in my office on _____

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: Sherry Jones
Deputy Clerk